

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	Chapter 7
	)	
ROMAN E. BENDER and	)	Case No. 05 B 52978
SHARON J. BENDER,	)	
Debtors	)	Hon. Pamela S. Hollis

**FINAL APPLICATION FOR  
COMPENSATION OF COUNSEL FOR THE TRUSTEE**

Pursuant to 11 U.S.C. §331, HERZOG & SCHWARTZ, P.C., counsel for the Trustee, David R. Herzog, respectfully applies to this Court for final compensation for actual, necessary services rendered and reimbursement for actual, necessary out-of-pocket expenses. HERZOG & SCHWARTZ, P.C. has divided this application into two parts. The first part of the application shall review the problems confronted by the Trustee and provide general background information. The second part of the application shall provide an analysis by task of legal work performed by the HERZOG & SCHWARTZ, P.C.

**PART I**

**BACKGROUND**

The debtors, ROMAN E. BENDER and SHARON J. BENDER, filed a petition under Chapter 7 on October 13, 2005. Thereafter, DAVID R. HERZOG was appointed Trustee and accepted his appointment. On December 13, 2005, an order was entered which permitted the Trustee to employ the law firm of Herzog & Schwartz, P.C. (the "law firm"), as attorneys for the Trustee.

Each task performed by the law firm will be discussed in detail. This fee application covers services rendered by the law firm for the period of December 6, 2005 through the present. The

billable rates for members of the law firm were charged on an hourly basis. This application sets forth the hours of work performed per attorney, per task at the hourly rate that was in effect at the time the services were provided. A detailed description of each time entry is attached to this application as Exhibit A.

## **PART II**

### **TASK ANALYSIS**

#### **A. Sale of Real Estate**

The law firm spent 10.50 hours in connection with the sale of of real estate of the Debtors. The firm time working with the broker on these transactions, as working on title issues, preparation of closing documents, and attending the closing of the transaction.

	<u>Hours</u>	<u>Costs</u>
David R. Herzog @ 250.00 per hour	10.50	\$ 2,625.00
<b>TOTAL</b>	<b>10.50</b>	<b>\$ 2,625.00</b>

#### **B. Miscellaneous**

The law firm spent 5.50 hours in connection with miscellaneous matters, including investigation of other possible assets, employment of professionals, as well as preparation of the final report.

	<u>Hours</u>	<u>Costs</u>
David R. Herzog @ 250.00 per hour	5.50	\$ 1,375.00
<b>TOTAL</b>	<b>5.50</b>	<b>\$ 1,375.00</b>

**RECAPITULATION**

	<u>Hours</u>	<u>Costs</u>
Category A	10.50	\$ 2,625.00
Category B	5.50	\$ 1,375.00
<b>TOTAL</b>	<b>16.00</b>	<b>\$ 4,000.00</b>

WHEREFORE, the law firm respectfully requests that this Honorable Court enter an Order:

1) Granting the law firm reasonable compensation of \$4,000.00, and necessary expenses of \$0.00 for legal services rendered in this case.

2) For such further relief that this Honorable Court deems just and reasonable.

HERZOG & SCHWARTZ, P.C.

By: /s/ David R. Herzog

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**EXHIBIT F-A**

**ATTORNEY TIME FOR CATEGORY A**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
01/10/06	Herzog, David Court call re motion to lift stay and status hearing	1.50	375.00	A
01/24/06	Herzog, David Review offer and meet with broker re sale.	1.00	250.00	A
01/30/06	Herzog, David Work on real estate contract and sale.	0.75	187.50	A
02/02/06	Herzog, David Review and revise real estate contract.	0.50	125.00	A
02/15/06	Herzog, David Work on motion for sale of real estate.	1.50	375.00	A
02/21/06	Herzog, David Work on real estate closing.	0.25	62.50	A
03/01/06	Herzog, David Review title commitment re payoff, etc.	0.50	125.00	A
03/07/06	Herzog, David Court call on motion to approve sale of real estate.	1.00	250.00	A
03/09/06	Herzog, David Obtain 2nd mortgage payoff, re-work figures; obtain declaration.	2.50	625.00	A
03/10/06	Herzog, David Prepare for and attend closing of real estate.	3.00	750.00	A

**ATTORNEY TIME FOR CATEGORY B**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
12/06/05	Herzog, David Prepare motions to employ professionals.	1.00	250.00	B
12/13/05	Herzog, David Attend court call on motions to employ attorney and broker.	1.00	250.00	B
12/18/06	Herzog, David Review claims and begin work on final report.	1.50	375.00	B
01/16/07	Herzog, David Work on final report.	2.00	500.00	B



**TRUSTEE'S TIME**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
01/13/06	Herzog, David Meet with broker re property; execute agreements	1.00	250.00	T
01/20/06	Herzog, David Conference with broker re offer on property.	0.25	62.50	T
02/21/06	Herzog, David Conference with Debtor's counsel re possession.	0.10	25.00	T